



March 23, 2001

ENGROSSED HOUSE BILL No. 1228

DIGEST OF HB 1228 (Updated March 20, 2001 1:29 PM - DI 92)

Citations Affected: IC 8-15; IC 9-21.

Synopsis: Use of brakes on the toll road. Prohibits the use of compression release engine brakes instead of the service brake system on the Indiana toll road in Porter County, except in the case of failure of the service brake system.

Effective: July 1, 2001.

Cheney, Ayres

(SENATE SPONSORS — ZAKAS, RIEGSECKER, ANTICH)

January 9, 2001, read first time and referred to Committee on Roads and Transportation.
February 21, 2001, reported — Do Pass.
February 26, 2001, read second time, ordered engrossed.
February 27, 2001, engrossed. Read third time, passed. Yeas 59, nays 36.

SENATE ACTION

March 5, 2001, read first time and referred to Committee on Transportation and Interstate Cooperation.
March 22, 2001, reported favorably — Do Pass.

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EH 1228—LS 7202/DI 96+



March 23, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED HOUSE BILL No. 1228

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-15-3-27, AS AMENDED BY P.L.40-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 27. (a) ~~As used in this section, "compression~~
4 ~~release engine brake" means a hydraulically operated device that~~
5 ~~converts a power producing diesel engine into a power absorbing~~
6 ~~retarding mechanism.~~

7 (b) Notwithstanding IC 9, the department may adopt rules under
8 IC 4-22-2 for the following:

9 (1) Establishing weight and size limitations for vehicles using a
10 tollway, subject to the following:

11 (A) The operator of any vehicle exceeding any of the
12 maximum allowable dimensions or weights must apply to the
13 department in writing for an application for a special hauling
14 permit. The application must be received at least seven (7)
15 days before the time of desired entry. A permit, if granted,
16 shall be given to the applicant in duplicate, properly
17 completed, and numbered. The driver of the vehicle must have

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a copy to present to the toll attendant on duty at the point of entry to the tollway.

(B) The department shall assess a fee for issuing a special hauling permit. In assessing the fee, the department shall take into consideration the following factors:

(i) The administrative cost of issuing the permit.

(ii) The potential damage the vehicle represents to the project.

(iii) The potential safety hazard the vehicle represents.

(2) Establishing the speed at which a vehicle may be driven on a tollway, including a minimum speed and a maximum speed not in excess of the maximum provided in IC 9 for the interstate defense network of dual highways.

(3) Designating one-way traffic lanes on a tollway.

(4) Determining the manner of operation of vehicles entering and leaving traffic lanes on a tollway.

(5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing vehicles on a tollway.

(6) Determining the establishment and enforcement of traffic control signs and signals for vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and interchanges on a tollway.

(7) Determining the limitation of entry to and exit from a tollway to designated entrances and exits.

(8) Determining the limitation on use of a tollway by pedestrians and aircraft and by vehicles of a type specified in the rules.

(9) Regulating commercial activity on tollways, including the following:

(A) The offering or display of goods or services for sale.

(B) The posting, distributing, or displaying of signs, advertisements, or other printed or written material.

(C) The operation of a mobile or stationary public address system.

(c) Notwithstanding IC 9, the department shall adopt rules under IC 4-22-2 to control the use of compression release engine brakes when a motor vehicle is using the Indiana toll road in a county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000). These rules must include the limitation of the use of the compression release engine brakes instead of the service brake system, except in the case of failure of the service brake system.

SECTION 2. IC 9-21-8-44.5 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2001]: **Sec. 44.5. (a) As used in this section, "compression release
3 engine brake" means a hydraulically operated device that converts
4 a power producing diesel engine into a power absorbing retarding
5 mechanism.**

6 **(b) A person who drives a motor vehicle equipped with
7 compression release engine brakes on the Indiana toll road in a
8 county having a population of more than one hundred twenty-five
9 thousand (125,000) but less than one hundred twenty-nine
10 thousand (129,000) may not use the compression release engine
11 brakes instead of the service brake system, except in the case of
12 failure of the service brake system.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1228, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

COOK, Chair

Committee Vote: yeas 11, nays 1.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1228, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1228 as printed February 22, 2001.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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